IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 657 of 1997

in

SPECIAL CIVIL APPLICATION No 2473 of 1983

with

LETTERS PATENT APPEAL Nos 293 and 294 of 1998

with

CIVIL APPLICATION Nos 5693 of 1997,
2671 of 1998 and
2674 of 1998

For Approval and Signature:

HON'BLE MR.JUSTICE J.N.BHATT
and
HON'BLE MR.JUSTICE D.N.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

STATE OF GUJARAT AND ORS.
Versus
SHRI MADHUSUDAN S. PANDYA

Appearance:
1. LETTERS PATENT APPEAL No. 657 of 1997

MS ARCHANA RAVAL, AGP for the Appellants
MR DG CHAUHAN for the Respondent

CORAM : HON'BLE MR.JUSTICE J.N.BHATT
and
HON'BLE MR.JUSTICE D.N.PATEL

Date of decision: 24/03/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE J.N.BHATT)

1. In this group of three Letters Patent Appeals, the common, but interesting question, which has come up for our consideration and adjudication is as to whether the Librarians, working in the District Libraries, are entitled to the same pay-scale and benefit as that of the Librarians in the University in the backdrop and factual matrix highlighted hereinbelow.

2. This group of three L.P.As. are taken up simultaneously as they are arising out of the common judgment and raising common questions.

3. A skeleton projection of facts requiring for appreciation, consideration and adjudication of the points involved may first be highlighted at this stage. The respondents' petition, in all the three appeals, came to be finalised by common judgement, which is under challenge, at the instance of the State of Gujarat, under Clause-15 of the Letters Patent.

4. One of the original petitioners has been working as a Librarian in the office of Director, Drug Control Administration, State of Gujarat, Ahmedabad, came to be appointed in the year 1964 with initial pay of Rs. 530/= p.m. w.e.f. 01-01-1973. As per the contention of this petitioner, a Board of Experts came to be created under the provisions of Bombay Prohibition Act, which maintained a separate library meant for use of Board of Experts of which, Director, Drug Control Administration, original respondent No. 3, was a Member-Secretary. This Board of Experts is a separate statutory body under the control of the office of the office or original respondent No. 2. Two Libraries are maintained in the office of original respondent No. 3. This petitioner being the Librarian appointed for the library of the original respondent No. 3, was, also, required to look

after the library of the Board of Experts.

5. The petitioners have given detailed particulars and data about the number of books, the extent and degree of work in the office as well as the nature of work they are required to attend. Though initially they claimed special pay or additional remuneration on account of the petitioners having been required to attend to two libraries, as aforesaid, they, by way of an amendment, prayed for the revision of pay-scale, inter-alia, contending that the Librarians working under the Government of Gujarat in different colleges have been given the pay-scale of Rs.425-700, which came to be revised to Rs.550-900 wef 01-01-1973 as per Resolution dated 06-10-1979 of the Education Department, Government of Gujarat. The reason for claiming the revised pay-scale has been this petitioner is similarly situated and the Government ought to have accepted the demand for revision of pay-scale, particularly, the fact that the petitioner has been discharging some duties as that of the Librarians of the Government. In short, the main contention has been that as librarians equally situated and doing same kind of work, the petitioners are entitled to same pay-scale as that of the Librarians of the Government. They have, also, placed reliance on the Resolution of the Government.

6. The appellants, in this group of three appeals, have strongly objected the claim made by the original petitioners, respondents herein before us, by filing written objections and affidavit-in-reply in writ petition filed by the petitioners before the learned Single Judge. It has been, inter-alia, contended that the petitioners, original respondents, are not entitled to the pay-scale at par with the pay-scale of Librarians of Government Colleges in view of the quantum, quality and the nature of work as well as educational qualifications.

7. Upon consideration of the entire factual spectrum ad the relevant proposition of law, the learned Single Judge upheld the contentions of the original petitioners while allowing the petitions. The contentions are reiterated before us in this group of three appeals. Our attention has been drawn to the decision of Division Bench of this Court in L.P.A. No. 133 of 2003 arising out of S.C.A. No. 5042 of 1999 rendered in State of Gujarat Vs. Rasiklal Tribuvandas Raval, wherein one of us (Coram: J.N. Bhatt and K.A. Puj, JJ.) was a party.

8. We have gone through the said decision threadbare. We are in complete agreement with the

proposition advanced before us that the ratio of law laid down in the aforesaid decision in the case of State of Gujarat Vs. Rasiklal Tribuvandas Raval (supra), is squarely attracted to the facts of the present case. Since in all the three appeals in this group, common issues involved are dealt with and decided in State of Gujarat Vs. Rasiklal Tribuvandas Raval (supra), we find no reason to make a departure from the view taken by the Division Bench. The appeals on hand are required to be dismissed, affirming and confirming the view enunciated in the decision of the Division Bench of this Court and in the impugned judgment. The appeals, therefore, shall stand dismissed without any order as to costs. This being so, there will be no orders in the Civil Applications.

9. At this stage, Mr. D.G.Chauhan, learned Advocate for the respondents, original petitioners, on behalf of the Librarians, contends that long time has elapsed and no benefit is yet given to the original petitioners and, therefore, directions may be given. We find full justification in the submission. The appellants, before us i.e.original respondents, are directed to seriously take up the case of all the three original petitioners, respondents herein, and to calculate the amount due and payable, for the purpose of implementation and compliance of the order of the learned Single Judge, under the impugned judgment, which we have confirmed today, within a period of ten weeks from the date of receipt of writ of this Court.

(J. N. BHATT, J.)

(D. N. PATEL, J.)
/shamnath